

come with greater regularity from the majority. But he may be excused for saying a few words in reference to the extent of the powers conferred on the committee. They were not clothed with a general power to investigate all the affairs of the improvement companies in which the State was interested. The first order charged them to enquire into the validity of certain contracts made between the commissioners appointed under the act of May, 1836, chapter 395. and the Chesapeake and Ohio Canal Company and the Baltimore and Ohio Rail Road Company. For the discharge of this duty, it was required that the committee should examine into the facts connected with the contract, and determine the legal construction of the act of 1836, and the acts incorporating the companies before mentioned.

The second order charged the committee to enquire,

First. Whether the State was bound at law, or in equity, by her subscriptions to the capital stock of any improvement company made under color of the provisions of the act of 1836? and

Second. Whether that act could be lawfully repealed?

To determine these questions, the committee were required to examine into the proceedings of the companies in execution of the act, and to settle the legal construction of the act, so far as to determine whether the conditions made precedent to the subscription had been complied with. If the committee had reported in favor of the State's right to annul her subscriptions, they might have deemed it important to enquire further, whether such right ought to be exercised? and for the purpose of settling this question of expediency, might have examined into all the past transactions of the company. But they were not expressly charged with this examination, and their conclusions being ultimately in favor of the validity of the State's subscriptions, it became unnecessary to institute it.

The report of the committee neither affirm nor deny the regularity or propriety of the proceedings of any of the companies, excepting in so far as they were in execution of the act of 1836.

As no subscription has been made to the capital stock of the Maryland Canal Company, it will be apparent that the committee were not charged directly with the inquiry into its affairs. But the obligation of the State to subscribe to the capital stocks of the Chesapeake and Ohio Canal Company, and the Baltimore and Ohio Rail Road Company, were made to depend on the sufficiency of subscriptions to the capital stock of the Maryland Canal Company—and it was therefore necessary to examine into, and settle this question of sufficiency, as a preliminary to the determining of the validity of the State's subscriptions dependent thereon. But from the moment that the committee, on other grounds, concluded in favor of the validity of the subscriptions to those two companies, the necessity for continuing the enquiry into the affairs of the Maryland Canal Company ceased.—And it will be perceived, that at no moment of time was it required of your committee to examine into the regularity of the proceedings of that company, excepting in so far as they were involved with the question of the sufficiency of its subscribers to comply with their ob-